

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM PRAILEAU,

Plaintiff,

-v-

9:10-CV-1051 (NAM/RFT)

**PETER HILLS, Correctional Officer at Cape Vincent
Correctional Facility,**

Defendant.

APPEARANCES:

William Praileau
Plaintiff, *Pro Se*

Hon. Eric T. Schneiderman, Attorney General of the State of New York
Roger W. Kinsey, Esq., Assistant New York State Attorney
The Capitol
Albany, New York 12224
Attorney for Defendants

Hon. Norman A. Mordue, U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Peter Hills, the sole remaining defendant in this *pro se* civil rights action brought by a former inmate of the New York State correctional system, moves to dismiss the action for plaintiff's refusal to submit to court-ordered deposition. Fed.R.Civ.P. 37(b)(2)(v). Upon referral pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c), United States Magistrate Judge Randolph F. Treece submitted a Report and Recommendation (Dkt. No. 35) reviewing the facts, analyzing the relevant factors, and recommending that the dismissal motion be granted.

Plaintiff has filed an objection (Dkt. No. 36). Upon *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C), the Court agrees with and adopts the Report and Recommendation. Plaintiff's objection does not dispute Magistrate Judge Treece's factual recitation or legal analysis. Plaintiff

raises no issue warranting denial of defendant's motion. Accordingly, the action is dismissed.

It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 35) is accepted; and it is further

ORDERED that the motion to dismiss (Dkt. No. 30) is granted; and it is further

ORDERED that the Clerk of the Court is directed to serve copies of this Memorandum-
Decision and Order in accordance with the Local Rules of the Northern District of New York.

IT IS SO ORDERED.

Date: February 13, 2013
Syracuse, New York



Honorable Norman A. Mordue
U.S. District Judge